

# Congress of the United States

Washington, DC 20515

July 19, 2023

The Honorable Antony Blinken  
Secretary  
U.S. Department of State  
2201 C Street NW  
Washington, D.C. 20520

Dear Secretary Blinken,

We write to express our profound concern with recent highly irregular actions taken by Guatemalan institutions as the country heads into the second round of its general election. The United States must emphatically support, with words and with actions, a transparent, fair, and legitimate second round of voting between the two candidates certified as the winners of the first round. We appreciate the Administration's statements to date and ask that you continue to make clear to those who would obstruct the democratic process that the cooperation of the United States in various arenas is contingent on an electoral process in which the will of the people prevails.

None of the candidates for the presidency won a majority of the votes in the first round of elections held on June 25, triggering a run-off election on August 20. On June 30, Guatemala's Supreme Electoral Tribunal (TSE) concluded its review of the results and confirmed that Bernardo Arévalo, representing the social democratic party Movimiento Semilla, and Sandra Torres, representing National Unity of Hope (UNE), were the top two vote-getters who would proceed to the run-off. The next day, nine political parties challenged the first-round election results. Guatemala's Constitutional Court allowed the challenge, suspended certification of the results and ordered an examination of the tally sheets in each of Guatemala's departments. In spite of finding no discrepancies between the results at the polls and the tally sheets, the Supreme Court president on July 7 unilaterally ruled that before certifying the results, the Supreme Electoral Tribunal (TSE) had to show how the scrutiny process had been carried out in each department. Both the Constitutional Court's ruling and that of the president of the Supreme Court were widely questioned as irregular.

Amid widespread calls, both domestic and international, including from the United States, to respect the June 25 election results, on July 10 the Supreme Court, acting in unison, found that the TSE had complied with the Constitutional Court's ruling, leaving the TSE free to officially certify the results, which it did. Additionally, the head of the Office of the Special Prosecutor Against Impunity (FECI) asked the TSE to provide it with information about a complaint lodged against Semilla years earlier, in 2019, related to alleged errors in its formation as a political party. On July 12, acting at the behest of FECCI, a judge ordered the TSE to suspend Semilla's party registration. The order specified that no Semilla candidate could be seated for any political position. Various legal experts have pointed out that the judge's order violates an electoral law with constitutional status stipulating that no political party can be eliminated once an election is underway. The apparently illegal order was suspended on July 13 after an avalanche of domestic and international criticism. Thus, for the moment, the run-off election appears to be on track.

Despite international consternation, FECCI has vowed to continue an investigation into Semilla while claiming its actions are not meant to interfere with the presidential run-off. These actions, and efforts by high level officials to interfere in the election and undermine Guatemalan's trust in public institutions, raise profound concern, not least because they follow years of grave decline in the rule of law. Guatemala's Attorney General and the head of FECCI have both been identified as corrupt and included on the Engel List. Guatemala's

president has been accused in two cases of corruption, one involving bribes to construction companies and one involving illegal campaign financing. Persecuted by their own judicial system, dozens of judges and prosecutors have been imprisoned or forced to flee the country for seeking to hold high officials, including the Guatemala's current president, Alejandro Giammattei, accountable for corruption, or for prosecuting former military officers for crimes against humanity, including genocide. Journalists have fared no better. The head of Guatemala's leading investigative newspaper, which broke numerous stories on high-level corruption before being forced to close, has been convicted on spurious charges and is serving a lengthy prison sentence. Attacks on human rights defenders tripled last year, according to the Unit for the Defense of Human Rights Defenders of Guatemala. Eight candidates for lower office, according to the European Union's Electoral Mission, were killed leading up to the first round of voting this year.

We appreciate the Administration's statements to date calling for recognition of the results of the first round and supporting a free and fair run-off election in August. We urge the Administration to continue to speak out, to defend the right of Guatemalans to peacefully protest in response to efforts to interfere in the electoral process, and to be especially attentive to the security situation of the two candidates and parties in the coming weeks.

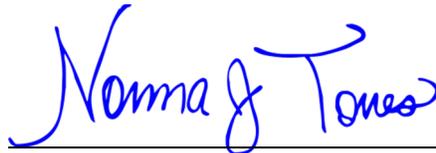
Should efforts to interfere with the election or thwart the will of people continue, a stronger response is merited and the United States has a number of options. These include reviewing Guatemala's participation in the Central America Free Trade Agreement, restricting Development Finance Corporation funding for projects in Guatemala, using the United States' voice and vote in multilateral lending institutions to oppose loans to Guatemala, suspending assistance to Guatemala's military and security forces, and withdrawing the investment initiative announced by the Biden Administration last February. Such measures would ensure that U.S. taxpayer funds are not used, nor our alliances and accords exploited, to strengthen corrupt power structures that exacerbate poverty and injustice and drive migration.

We appreciate the State Department's efforts to address the current crisis of rule of law in Guatemala and threats to Guatemala's democracy and offer our support as needed going forward.

Sincerely,



Raúl M. Grijalva  
Member of Congress



Norma J. Torres  
Member of Congress



James P. McGovern  
Member of Congress



Eleanor Holmes Norton  
Member of Congress